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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**

v. :

SOLOMON DWEK : Case No. 06-3558 (MF)

I, Donald L. Russ, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From on or about April 24, 2006 through on or about May 10, 2006, in Monmouth County, in the District of New Jersey and elsewhere, defendant

SOLOMON DWEK

did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud a financial institution, namely PNC Bank, and to obtain moneys, funds, credits, assets and other property owned by and under the custody and control of PNC Bank, by means of materially false and fraudulent pretenses, representations, and promises,

In violation of Title 18, United States Code, Sections 1344 and 2.

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHMENT A

Continued on the attached pages and made a part hereof.

\_\_\_\_\_  
Donald L. Russ, Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

May 10, 2006, at \_\_\_\_\_, New Jersey

HONORABLE MARK FALK  
UNITED STATES MAGISTRATE JUDGE

\_\_\_\_\_  
Signature of Judicial Officer

ATTACHMENT A

I, Donald L. Russ, Special Agent of the Federal Bureau of Investigation, having conducted an investigation, including interviewing witnesses from PNC Bank, having spoken with other law enforcement agents, and having reviewed reports, am aware of the following facts:

1. At all times relevant to this Complaint, defendant SOLOMON DWEK maintained a bank account in the name of SEM Realty Associates, LLC, at PNC Bank in Eatontown, New Jersey (the "SEM Account"). Defendant SOLOMON DWEK was the only authorized signatory on that account.

2. At all times relevant to this Complaint, defendant SOLOMON DWEK had a separate bank account in the name of Corbett Holdings II, LLC, at PNC Bank in Eatontown, New Jersey (the "Corbett Account"). Defendant SOLOMON DWEK was the only authorized signatory on that account as well. Unlike the SEM Account, defendant SOLOMON DWEK's Corbett Account was in a "closed status" with no balance.

3. On or about April 24, 2006, at approximately 2:00 p.m., defendant SOLOMON DWEK arrived at PNC Bank's Eatontown Branch and presented a check, in the amount of \$25,212,076.35 (the "first \$25 million check"), drawn on his closed Corbett Account, to be deposited into his SEM Account. At that time, the SEM Account contained a balance of \$1.8 million. When a representative of PNC Bank advised defendant SOLOMON DWEK that the Corbett account he was seeking to draw upon was closed, he responded, in substance and in part, that he had spoken to "Corporate" and that they were re-opening the account. Defendant SOLOMON DWEK further stated, in substance and in part, that a wire transfer into the Corbett Account was forthcoming. Relying on defendant SOLOMON DWEK's representations, PNC Bank personnel accepted the first \$25 million check for deposit.

4. Bank records show that the morning after he deposited the first \$25 million check, between approximately 8:51 a.m. and 9:29 a.m., defendant SOLOMON DWEK initiated via telephone the following four wire transfers from the SEM Account:

	<u>Amount</u>	<u>Beneficiary</u>	<u>Receiving Bank</u>
1.	\$20,000,000	Payoff for Loan in names of DWEK & individual "I.F."	HSBC
2.	\$2,200,000	Individual with initials "K.C."	HSBC

- |    |           |                                     |                         |
|----|-----------|-------------------------------------|-------------------------|
| 3. | \$580,000 | Business with<br>initials "H.E."    | Valley National<br>Bank |
| 4. | \$10,000  | Business with<br>initials "W. & D." | Citibank                |

PNC Bank provides next day availability on internal bank check deposits. As such, PNC Bank made these funds available to defendant SOLOMON DWEK based on his deposit of the first \$25 million check the prior day, April 24, 2005.

5. Later that same day, on or about April 25, 2006, defendant SOLOMON DWEK arrived at PNC Bank's branch in Asbury Park, New Jersey. Defendant SOLOMON DWEK presented a check, in the amount of \$25,000,000 (the "second \$25 million check"), drawn on the same closed Corbett Account with no balance for deposit into the same SEM Account. Having by then learned that defendant SOLOMON DWEK's claim that "Corporate" was about to re-open the Corbett Account was false, and having received no wire transfers promised by defendant SOLOMON DWEK to cover the aforementioned \$22,790,000 in wire transfers, PNC Bank voided the second \$25 million check.

6. Representatives of the PNC Bank have informed law enforcement agents that defendant SOLOMON DWEK has assured its personnel, on numerous occasions, from on or about April 25, 2006 through on or about April 28, 2006, that he was in the process of forwarding moneys to cover the full \$22,790,00 by which he overdrew the SEM Account. To date, approximately two weeks later, bank records show that the SEM account remains overdrawn by approximately \$20,034,157.

7. Among the misrepresentations that defendant SOLOMON DWEK rendered in furtherance of this scheme, were statements made during a telephone conversation with a PNC Bank official on or about April 25, 2006 that he was expecting a wire transfer from a specific individual ("J.S."), that would cover the first \$25 million check. When repeatedly asked for a wire confirmation number, defendant SOLOMON DWEK could not provide such proof. Further, on that same day, in an effort to convince the PNC Bank official that the wire was forthcoming, defendant SOLOMON DWEK called back the PNC Bank official and placed a person on the telephone. According to the PNC Bank official, defendant SOLOMON DWEK told the PNC Bank official that this individual was "J.S." At defendant SOLOMON DWEK's direction, this individual purporting to be "J.S.," advised the PNC Bank official that he would be sending a wire. On or about April 26, 2006, the following day, defendant SOLOMON DWEK admitted to the PNC Bank official that the

individual he claimed was "J.S." on the telephone the previous day was not, in fact, "J.S."

8. Other such misrepresentations that defendant SOLOMON DWEK advanced to further his scheme were repeated assurances to PNC Bank officials that he was working with HSBC officials to return \$22.2 million in wires from HSBC to PNC Bank. Representatives of the HSBC Bank have informed law enforcement agents that defendant SOLOMON DWEK never asked for any money to be returned to PNC Bank. On the contrary, defendant SOLOMON DWEK contacted a representative of the HSBC Bank on or about April 26, 2006, for the sole purpose of confirming that HSBC received the \$20 million wire transfer from PNC Bank the previous day.

9. At all times relevant to this Complaint, PNC Bank was a financial institution, as defined in Title 18, United States Code, Section 20, whose deposits were insured by the Federal Deposit Insurance Corporation.